

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 8, 2014 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Bryan Long, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Glen A. Waters, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Paul Craig, The Christian Center, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 24, 2014.

MOVED by Burk SECOND by Wells to approve the minutes of Lawton City Council regular meeting of June 24, 2014. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

MOVED by Wells SECOND by Burk to approve the consent agenda. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Gentry and Linda Shofner in the reduced amount of \$1,232.41 (**Res. 14-88**) and Mincie and Matthew Beamesderfer in the amount of \$1,086.13 (**Res. 14-89**). Exhibits: Legal Opinions/Recommendations, Resolution No. 14-____ and Resolution No.14-_____.

2. Consider adopting a resolution approving the compromise settlement and making payment in the workers' compensation claim of Robert Edmonson. Exhibits: **Resolution 14-90.**
3. Consider approving a resolution acknowledging the returns of the Special Election held in the City of Lawton, Oklahoma on June 24, 2014 pursuant to Ordinance 14-08 granting to CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Oklahoma Gas, a franchise for a period of twenty-five (25) years and declaring approval of the franchise. Exhibits: **Resolution 14-91.**
4. Consider renewing the professional services agreement with Mackey Law Firm, to provide professional property research services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
5. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and John C. Mackey, Jr., and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
6. Consider renewing the professional services agreement with James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims. Exhibits: Retainer Agreement for Professional & Legal Services on file in the City Clerks Office.
7. Consider renewing the Retainer Agreement for Professional and Legal Services between the City of Lawton and Clay Hillis and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional and Legal Services on file in City Clerk's Office.
8. Consider renewing the professional services agreement with John C. Mackey, for various matters involving real property, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
9. Consider approval of an Agreement in Principal with the Lawton Fort Sill Chamber of Commerce for a Contract for Services with Bill Phelps & Associates, LLC, beginning July 1, 2014 through June 30, 2015, for the purpose of providing professional consulting/lobbyist services to the City and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Consultant Agreement.
10. Consideration of a FAA Entitlement Grant Agreement for the Lawton-Ft Sill Regional Airport in the amount of \$ 1,055,090.00. Exhibits: None.
11. Consider approving a Resolution pertaining to Wrecker and Towing Services by amending Articles A-7-25, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005. Exhibits: **Resolution No.14-92.**

12. Consider approving the construction plans for waterlines and sanitary sewer lines to serve Carmike Cinemas located at the southeast corner of NW 67th Street and Rogers Lane subject to conditions. Exhibits: Location Map.
13. Consider setting the date of August 12, 2014, to hold a public hearing to close the west 110 feet NW Williams Avenue between Blocks 35 and 36, Military Addition, located east of NW Sheridan Road and north of NW Lincoln Avenue. Exhibits: Application, Location Map and Council Policy 5-1.
14. Consider approving Amendment No. 5 to the August 12, 2008, contract with Black and Veatch Corporation for professional engineering services for modifications to the design of Work Package No. II for the Wastewater Treatment Plant Improvements. Exhibits: Amendment to the Agreement.
15. Consider approving a professional services retainer agreement with Dr. Haney for the purpose of providing veterinarian services for the City of Lawton and authorize the Mayor and City Clerk to execute the agreement. Exhibits: A copy of the agreement is on file in the City Clerk's Office.
16. Consider extending contract (CL13-049) Electric Motor Repair to J & W Electric Motor Co. of Lawton, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
17. Consider extending contract (CL13-048) Hydraulic Pump & Cylinder Repair to Horizon Hydraulics Inc. of Oklahoma City, OK for an additional year. Exhibits: Department recommendation, Contract Extension Form, Price Sheet.
18. Consider approving appointments to boards and commissions. Exhibits: None.

Redistricting Commission

Don Knippenburg

Ward 8

7028 SW Winchester

Lawton, Oklahoma 73505

07/01/2019

19. Consider approval of payroll for the period of June 23 – July 6, 2014.

NEW BUSINESS ITEMS:

20. Consider creating Council Policy 4-1, "Preliminary Budget Deadline", which establishes a deadline of April 1 for the preliminary budget to be submitted to the City Council. Exhibits: Proposed Council Policy 4-1.

Jackson stated he did not necessarily mean that the council would have to have the hard copy of the preliminary budget ready by April 1st, but he would like the initial reports and as much of the

data that they could receive at that time. The twenty days they had to work on the budget this year was a problem and he would rather establish a council policy that they set that deadline at April 1st.

Brooks Mitchell, Finance Director, stated he agrees with Councilmember Jackson's recommendation to provide the summary pages on April 1st and then have the rest of the budget ready for the second council meeting in April. This would give him the chance to tie in the presentation of the overall budget with the monthly financial report.

Jackson stated the summary pages might give any councilmember an opportunity at that time if some information is needed they can request it or they could start holding some preliminary meetings just to be more informed.

Mayor Fitch stated that the council should see a much more timely scenario in regards to the presenting of the budget and getting the data to auditors in plenty of time.

MOVED by Jackson SECOND by Morford to approve Council Policy 4-1. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

21. Consider approving a revised form and format of the City of Lawton's Mutual Assistance Agreement for Fire Department related emergency services and direct staff to seek implementation of said document. Exhibits: Proposed revision to the City of Lawton's Mutual Assistance Agreement for Fire Department related emergency services.

Chief Dewayne Burk, Lawton Fire Department, stated they are proposing to revise the existing agreements that they have with the partnering communities around Southwest Oklahoma to assist with fire protection and suppression services. Based upon circumstances where FEMA reimbursement becomes available, if you have an agreement with these parties where there is no charge back and forth, should an emergency develop in their jurisdiction, we would operate under our agreement and would not be eligible for that federal reimbursement. They propose to revamp our agreement with those communities to allow us to put in an operational period of eight hours and anything that would go over eight hours would qualify for some type of reimbursement funding. We can still continue to be the partnering agency within the communities around Southwest Oklahoma but also make ourselves eligible for FEMA reimbursement should they become available.

Morford questioned if we are limited to Oklahoma or can we do this across state lines. He questioned if we had an agreement with Wichita Falls.

Chief Burk stated we have an agreement with the air base, but not with the city of Wichita Falls.

Morford questioned if we needed to seek one with Wichita Falls.

Chief Burk stated typically the smaller communities seek out an agreement with us because they do not have the resources that we do.

MOVED by Wells SECOND by Jackson to approve a revised form and format of the City of Lawton's Mutual Assistance Agreement for Fire Department related emergency services and direct staff to seek implementation of said document. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

22. Consider an ordinance pertaining to animals amending Section 5-1-119, Article 5-1 and Section 5-5-508, Article 5-5, Chapter 5, Lawton City Code, 2005, by authorizing up to 33% of available funds in accounts utilized by the Animal Welfare Division to be transferred to the General Fund at the end of the fiscal year pursuant to the direction of the City Manager, providing for severability, and establishing an effective date. Exhibits: Ordinance 14-__.

Jackson stated he feels there is a considerable amount of information that needs to be addressed with the council and he does not feel they are ready to do that. He requested that the council table this issue and appoint a three member council committee to address some of these issues before it comes back to the council.

Tanner questioned how much money is in this fund.

Brooks Mitchell, Finance Director, stated there are two funds. The spay and neutering fund has just over \$100,000 and the animal licensing fund has almost \$400,000. He stated they can transfer up to 33%, but it is not mandated that it would be 33%.

Jackson stated that is a significant amount of money that would impact this division.

MOVED by Jackson SECOND by Wells to table. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Haywood, Wells. NAY: Zarle. MOTION CARRIED.

Haywood stated he would like to be on this committee.

Mayor Fitch appointed Councilmembers Jackson, Haywood and Morford to sit on this committee.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Waters thanked everyone for attending the July 5th concert. He stated they did not have fireworks because of budget issues this year. He stated if they decide to do it next year he will come to the council so they will have the information. He stated he cannot answer questions about the unaccompanied mission because it is under the Department of Health and Human Services. Fort Sill is just providing the facilities.

Wells questioned if the swimming pool was open today.

Long stated no, he is hearing it will be open tomorrow.

Wells questioned if we are notifying the paper and television so they can advertise the opening.

Kim Shahan, Parks and Recreation Director, stated the YMCA wanted to make sure everything was in place before we advertise the opening. He stated they will open up tomorrow and then the YMCA will post the opening.

Haywood stated the Douglas school reunion will be held July 31st to August 3rd. His son, Trent Haywood will be a speaker on August 2nd.

Tanner congratulated Councilmembers Haywood and Wells on their re-election.

Jackson stated he feels it is a shame that the city of Lawton does not have a July 4th celebration. He would like the council to address this at some point.

Mayor Fitch stated the City Manager is looking at avenues of getting businesses in line to support an entire day of festivities at Elmer Thomas Park.

Jackson stated the council should be involved and informed.

Mayor Fitch stated he is not going to put together a council committee because Long has already started working on it. He stated the interest is there.

Morford stated that he thought someone was raising money for this type of event.

Shahan stated Teen Challenge was not able to raise the amount of money needed for that level of production. The “I Love America” production seven or eight years ago by several churches cost around \$75,000.

Long stated staff is working with some parties to pull together an independence day celebration and they have gotten a tremendous amount of feedback. He stated the new ordinance allows for a public display.

Mr. Stilley, (citizen – address unknown) came forward to state that he is a resident of McArthur Park and is 100% disabled. He has contacted people by email and phone and has not received an answer about his need for handicapped ramps at their park. He has a hoveround and he cannot get into the park or the kiddie park. He addressed the Parks and Recreation Commission and was told they were trying to get a grant.

Burk stated he did get this message and he forwarded it on. He stated the area with the ball park is owned by Lawton Public Schools and he contacted them with that request. He does not know how he will maneuver.

The citizen stated his hoveround can get around on the grass and dirt, he just can't get up over that curb.

Burk stated he will get that done.

Tanner announced he will be meeting with the residents of Old Town Apartments at 10th and E on Thursday at 2:30 p.m. to discuss their water issues. He invited everyone to attend.

The Mayor and Council convened in executive session at 6:27 p.m. and reconvened in regular, open session at 7:55 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEM:

23. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary. Exhibits: None.

Mayor Fitch read the title of item #23. No action was taken.

24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Jerry Ann Short vs. City of Lawton, CJ-2013-586, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #24. No action was taken.

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending claim or action pertaining to city-owned property located on the SW Corner of “D” Avenue and Larrance Avenue, immediately north of the Fairmont Creamery, and take appropriate action in open session as necessary. Exhibits: Legal Description of Location and Location Map.

Jensen read the title of item #25. No action was taken.

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Rural Water District No. 1, et al v. City of Lawton, CJ-2011-774, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #26.

MOVED by Wells SECOND by Jackson to authorize the City Attorney to file an appeal with the Oklahoma Supreme Court seeking to vacate the decision of the Oklahoma Court of Civil Appeals and reinstate the summary judgment without a trial granted by the trial judge in favor of the city in the Comanche County District Court Case of Rural Water District No. 1, et al v. City of Lawton, CJ-2011-774. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

27. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, and Lawton City Charter, Section C-2-4(5), consider convening in executive session to discuss a pending investigation of activities in the Housing Assistance Division related to administrative finding M-1400 that was issued to the City by the Oklahoma City Field Office, Region IV, U.S. Office of Housing and Urban Development (HUD), and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #27.

MOVED by Wells SECOND by Burk to authorize an engagement letter with Crawford and Associates to conduct a forensic independent audit of all funds within the Housing Assistance Division in the City of Lawton. AYE: Morford, Jackson, Bellino-Hall, Burk, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 7:59 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK